

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS MANUEL ORTIZ,

Defendant.

4:16CR3119

ORDER

The court previously held that the no condition or combination of conditions of release will reasonably assure Defendant's appearance at court proceedings and the safety of the community if Defendant was released. (Filing No. 17). Defendant has pleaded guilty in this case and now faces sentencing.

Based on the information within the pretrial services report, the court finds Defendant has failed to meet the burden of showing, by clear and convincing evidence pursuant to 18 U.S.C. § 3143 (a), that Defendant's proposed plan for release to treatment, (Filing No. 33), will sufficiently ameliorate the risk of harm or flight. Specifically, Defendant has a significant history of failing to appear and law violations, and release to a non-custodial treatment facility does not ameliorate the risk of nonappearance or harm to the public reflected in Defendant's criminal history.

Accordingly,

IT IS ORDERED that Defendant's motion for release to treatment, (Filing No. 33), is denied.

January 19, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge